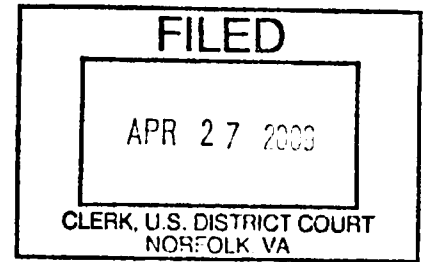


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



MICHAEL K. HART,

Plaintiff,

v.

ACTION NO. 2:08cv56

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the defendant denying plaintiff's claim for disability insurance benefits under the Social Security Act.

The matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), for report and recommendation. Report of the magistrate judge was filed on April 6, 2009, recommending that the final decision of the Commissioner be upheld; that plaintiff's motion for summary judgment be denied; that defendant's motion for summary judgement be granted; and that the case be dismissed. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve the findings and recommendations set forth in the report of the United States Magistrate Judge filed April 5, 2009. Accordingly, the final decision of the Commissioner is **UPHELD**; plaintiff's motion for summary judgment is **DENIED**; defendant's motion for summary judgment is **GRANTED**; and the case is **DISMISSED**.

The Clerk shall forward a copy of this Final Order to counsel for plaintiff and defendant.

/s/  
Rebecca Beach Smith  
United States District Judge

*RBS*

REBECCA BEACH SMITH  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

April 24, 2009